

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1 and 11 are cancelled. Claims 2, 9, 10 and 16 are amended. Claims 2-10 and 12-21 are pending.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

#### **I. Rejection under 35 U.S.C. § 102**

In the Office Action, at page 2, paragraph 2, claims 1, 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,132,026 to Taylor et al.

Claims 1 and 11 were cancelled. Claim 10 depends from allowable claim 2. Accordingly, withdrawal of the §102(b) rejection is respectfully requested.

#### **II. Allowable Subject Matter**

Applicants are appreciative of the indication that claims 2-9, 12-21, which are objected to as being dependent upon rejected base claims, would be allowable if rewritten in independent form. Claims 2-9 and 12-21 have accordingly been rewritten in independent form.

**Conclusion**

In accordance with the foregoing, claims 1 and 11 have been cancelled. Claims 2, 9, 10 and 16 have been amended. Claims 2-10 and 12-21 are pending and under consideration.


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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